

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

C.S. et al.,

Plaintiffs,

vs.

CALIFORNIA DEPARTMENT OF EDUCATION,

Defendant.

CASE NO. 08-CV-0226 W (AJB)

ORDER (1) GRANTING PLAINTIFF'S EX PARTE REQUEST FOR LEAVE TO FILE SUR-REPLY (Doc. No. 29); (2) DENYING PLAINTIFF'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE ORDERED TO FILE AN ANSWER AS MOOT (Doc. No. 24.)

On March 7, 2008 potential intervenor Ron Diedich (“Intervenor”) moved to intervene in this action and moved to shorten the time hear the intervenor motion. (Doc. Nos. 13, 14.) The Court partially granted Intervenor’s motion and instructed Plaintiff to file an opposition to the motion by March 24, 2008. (Doc. No. 18.) At the time, Defendant California Department of Education (“Defendant”) had not yet filed an answer.

On March 24, 2008 Plaintiff C.S. et. al. (“Plaintiff”) filed an opposition and moved *ex parte* for an order to show cause why Defendant should not be ordered to file an answer to the complaint. (Doc. Nos. 21,24.) On March 25, 2008 Defendant filed its Answer. (Doc. No. 26.)

78 On April 1, 2008 Plaintiff again moved *ex parte* for leave to file a sur-reply,

1 arguing that Defendant's Answer contained relevant information which Plaintiff felt
2 needed to be addressed in light of the pending motion to intervene. (Doc. No. 29.)
3 Good cause showing, the Court **GRANTS** Plaintiff's motion, and Plaintiff is instructed
4 to file and serve a sur-reply by Friday, April 4, 2008. As Defendant has since filed an
5 Answer, the Court **DENIES AS MOOT** Plaintiff's motion for an order to show cause
6 why Defendant should not be ordered to file an answer. (Doc. No. 24.)

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8 **IT IS SO ORDERED.**

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10 DATED: April 1, 2008

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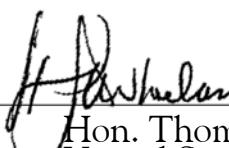
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Hon. Thomas J. Whelan
United States District Judge